

Resolution of the
Somerset County Agriculture Development Board

Approval of Site-Specific
Agriculture Management Practice for

Cherry Valley Cooperative, LLC
Block 31010 – Lots 20 and 20.01
619 Cherry Valley Road
Township of Montgomery

WHEREAS, OHM Agro Estate, LLC is the current record owner of the Cherry Valley Cooperative LLC Farm (hereinafter, "CVC"), Block 31010, Lots 20 and 20.01, located in the Township of Montgomery, County of Somerset, as recorded in the Somerset County Clerk's Office in Deed Book 6902, Pages 3250-3257 by deed dated August 22, 2016, totaling 97.70 acres, (hereinafter the "Premises"); and

WHEREAS, Alec Gioseffi, President of CVC, serves as the primary contact for the agricultural operation; and

WHEREAS, pursuant to the Right to Farm Act, N.J.S.A. 4:1C-1, et seq., and regulations promulgated by the State Agriculture Development Committee (hereinafter "SADC"), a commercial farm owner or operator may make a request to the Somerset County Agriculture Development Board (hereinafter "SCADB") to determine if his or her operation constitutes a generally accepted agricultural management practice; and

WHEREAS, the Premises is a preserved farm under a Deed of Easement held by the Township of Montgomery and the Montgomery Friends of Open Space, (hereinafter the "DOE"); and

WHEREAS, on March 30, 2017, CVC submitted an application for a Site-Specific Agriculture Management Practice (hereinafter "SSAMP") to the SCADB, in connection with "on-farm direct marketing facilities, activities and events" (hereinafter the "CVC SSAMP Application" attached hereto at Exhibit A); and

WHEREAS, upon review of the documentation submitted, which included a Certification of Commercial Farm Status from CVC, the most recent Farmland Assessment Form filed with the Montgomery Tax Assessor's Office, Operating Agreement of CVC, and U.S. Return of Partnership Income (Form 1065), the SCADB determined that the Premises did meet the criteria established for "Commercial Farm", thereby allowing it Right-to-Farm protections; and

WHEREAS, on April 12, 2017, SCADB Staff performed a site inspection of the Premises; and

WHEREAS, by way of that SSAMP Application, CVC described the nature of the proposed on-farm direct marketing facilities on the Premises as follows:

"CVC is proposing two pieces of infrastructure on our site, the first is a new construction of a building, which we will call the Facilities Barn, and the 2nd is just modifying an existing garage on our farm to become our farm store/CSA distribution location. The Facilities barn will be a three story barn which will include a post-harvest processing facility, root cellar, walk-in refrigeration and freezing, a certified kitchen for post-harvest processing of prepared foods, value added food production, cooking and preserving classes in addition to a farm equipment room for maintenance and tool storage. In addition we are also proposing to have some office and storage space as well as rooms for various farm events and educational

workshops such as farm dinners, farming conferences, seed sharing and other agricultural community based events. We also plan to have the numerous bathroom and washing facilities for farm employees and visitors/public. The Facilities barn will enable a higher level of yield from our current practices, allow for the developing of a food preservation program for our farm members and the public, support value-added activities to our current produce sales and enable us to have the facilities to be producing, storing and processing locally grown ingredients 365 days a year. The Facilities Barn will give us the capacity to significantly increase farm-to-consumer output to visitors, area restaurants, farmers markets, and our expanded CSA.

Currently on our farm there is a 1000 square foot garage which we would like to turn into our farm store for retail to the public 4-5 days a week and our CSA distribution/pick up location. However this farm store we are seeing through in two phases. For phase I in the 2017 season, we plan on using half of it to wash and process our crops as well as store them in refrigeration, while the other half will be where the crops are displayed for sales. We do not plan on having anything other than the raw crops which are grown on site available to purchase this year which includes vegetables, fruit, herbs, flowers, honey, mushrooms, eggs, and meat.

Being that our above proposed facilities barns construction has not begun yet, we do not anticipate having it operational until the 2018 season. When the barn is finished and we have the ability to process our raw ingredients into preserved or prepared foods, then we would like the farm store to be able to carry those products for sale. We understand that for this to happen we need to have a public restroom, handicap parking, seating, lighting and more. And we plan on making sure that all requirements are in place by the time phase II of the farm store will open sometime in the spring of 2018” (See CVC SSAMP Application Narrative, Exhibit B, pages 2- 3); and

WHEREAS, by way of that SSAMP Application, CVC described the nature of the proposed on-farm direct marketing activities on the Premises as follows:

Education - having an agricultural focus marketing the output of the farm with programs on:

- Farming, Gardening, homesteading (growing food);
- Preservation, fermenting, storing, pickling, canning, freezing;
- Cooking – classes on how to cook what is being grown on the farm. Familiarize people with cooking basics and eating healthfully
- Wellness – farm walks and tours, yoga, meditation, hikes, community gatherings

Community Supported Agriculture (CSA) - on site pickup to encourage our members to come to the farm and see how everything changes and develops throughout the season. Ability to see the food they are consuming while it is growing.

Farm Market - space to promote retail and wholesale farmer-to-consumer relationships and sales of products grown on the farm as well as other locally grown and produced agricultural products which are raised with the same ethics and practices which we are encouraging.

Recreational activities as independent or part of an educational or event program including:

- Farm Tours
- Farm to table dinners
- Picnics

- Hikes
- Fishing
- Swimming
- Hunting
- Pot lucks
- Bonfires
- Music jams
- Cooking classes

(See CVC SSAMP Application Narrative, Exhibit B, pages 3- 4); and

WHEREAS, by way of that SSAMP Application, CVC described the nature of the proposed on-farm direct marketing events on the Premises as follows:

- Farm-to-table meals scheduled regularly for the community to enjoy meals, which include ingredients produced exclusively by the farm and other farms within our community;
- Farm open house, tours;
- Potlucks
- Harvest festivals, solstice gatherings, or similar events to spotlight specific produce in season on the farm or other relative agrarian holidays or significant times/events.
- CSA gatherings and meetings
- Cooking classes

(See CVC SSAMP Application Narrative, Exhibit B, page 4); and

WHEREAS, upon receipt of the CVC SSAMP Application, the SCADB staff forwarded same to the Township of Montgomery for their review and comment, and to the SADC for their notification; and

WHEREAS, on May 2, 2017, CVC published the required notice (N.J.A.C. 2:76-2A.13) of the May 15, 2017 Public Hearing being held at 8:00AM at the Somerset County Administration Building (20 Grove Street, Somerville, NJ 08876) in connection with the upcoming SCADB Hearing on the CVC SSAMP Application; and

WHEREAS, in accordance with its usual procedure, the SCADB created a record of all documentation submitted by CVC, the Township of Montgomery, and Montgomery Friends of Open Space (as joint holders of the easement), and forwarded the matter for a detailed review to the SCADB Right-to-Farm Committee; and

WHEREAS, on June 5, 2017, the SCADB Right-to-Farm Committee, with the assistance of SCADB Counsel, reviewed and discussed the CVC SSAMP Application and all documentation relating to the matter, with guidance from the “Right to Farm Act” (N.J.S.A. 4:1C-1 et seq.), and New Jersey Administrative Code provisions related to “Agriculture Management Practice for On-Farm Direct Marketing” (N.J.A.C. 2:76-2A.13); and

WHEREAS, at the June 19, 2017 regular meeting, the SCADB approved the proposed SSAMP request, as outlined above; and

NOW, BE IT FURTHER RESOLVED, that the SCADB finds that the current farming and proposed On-Farm Direct Marketing Facilities, Activities and Events on the Premises as described in CVC SSAMP Application constitutes a “generally accepted agricultural operation and practice” which operation and practice does not pose a direct threat to public health and safety (See N.J.S.A. 4:1C-9); and

BE IT FURTHER RESOLVED, that the SCADB hereby approves the request by CVC for a Site-Specific Agricultural Management Practice for the development and use of the Premises as described in the CVC SSAMP

Application and Site Plan, subject to conditions more particularly described below; and

BE IT FURTHER RESOLVED, that in granting the requested SSAMP, the SCADB has sought to consider and balance CVC's farming- related interests with those legitimate interests of the local government (Township of Montgomery), and members of the public, as well as the impact of CVC's development and use of the Premises as impacting upon public health and safety issues; and

BE IT FURTHER RESOLVED, that as a result of the SCADB's evaluation of the above-referenced potentially competing interests, the SCADB places certain conditions upon its approval of the SSAMP, as follows:

1. CVC'S Development and Use of the Premises:

CVC shall develop and use the Premises in conformity with the specifics delineated in the CVC SSAMP Application and Site Plan (Exhibit C), as submitted by CVC to the SCADB on March 30, 2017, and attached hereto as Exhibits A, B and C; and

2. Facilities Barn:

The SCADB approves the proposed use of the Facilities Barn, as described more thoroughly above and in the submitted SSAMP Application. All necessary building and health permits must be obtained by CVC through the Township of Montgomery, and any other required Municipal, County, State and/or Federal agencies.

3. Ingress and Egress to the Premises:

Vehicle flow management will be addressed by advance directions to CVC, permanent and temporary signage directing visitors to their destination, and where considered necessary for enjoyment and safety, traffic attendants. Nothing will be permitted to obstruct the line of sight on Cherry Valley Road, as determined by the Montgomery Township and/or Somerset County Engineer. As events happen more frequently, a more permanent solution may be needed, and can be readdressed at that time.

In addition, once the Open Public Assembly Permit is filed six (6) times, the Township of Montgomery will have the opportunity to review the need for a more permanent remedy for any traffic and/or safety impacts related to the On-Farm Direct Marketing events; and

4. Hours of Operation:

CVC shall comply with the On-Farm Direct Marketing AMP (N.J.A.C. 2:76-2.13) providing for allowable hours of operation for On-Farm Direct Marketing facilities, events and activities as follows:

- On-farm direct marketing facilities and activities may be open or offered on weekdays, weekends, holidays, seasonally, for part of the year, or year-round
- On-farm direct marketing events may be offered on weekdays, weekends, holidays, seasonally, for part of the year
- Hours of operation may be between 6:00 A.M. and 10:00 P.M. These hours may be temporarily extended to 11:00 P.M. in conjunction with seasonal on-farm direct marketing sales, activities or events [N.J.A.C. 2:76-2.13(c)] .; and

5. Sanitary Facilities

CVC has stated it will provide permanent sanitary facilities in the Facilities Barn, as well as in the nearby cottage structure. Additional sanitary facilities may be in the form of permanent or temporary facilities, dependent on the intensity of the activities and/or events, and under the guidance of CVC. In accordance with N.J.A.C. 2:76-2.13(e), the number of sanitary facilities provided by CVC shall be sufficient to accommodate, without causing long queues, the volume of visitors. Hand-sanitizing facilities including running water with soap, antibacterial hand wipes, waterless hand sanitizers, and/or other hand-washing stations will be provided by CVC. Sanitary facilities shall be located and managed with an appropriate cleaning schedule, so as to prevent adverse impacts on adjacent properties; and

6. Lighting:

CVC has agreed to comply with Township ordinances and specifications related to lighting. CVC shall provide lighting sufficient to allow for safe pedestrian and vehicular access into, out of and around the Premises during On-Farm Direct Marketing activities and events. Parking areas shall be appropriately lighted to provide for adequate safety. All lighting shall be provided with lights focused either downward or with an orientation designed to minimize light spilling off the Premises and to minimize impacts on adjacent off-farm residential buildings and streets. Lighting will not focus directly onto Cherry Valley Road. All lighting will be turned off within ½ hour of the conclusion of each On-Farm Direct Marketing Activity and/or Event. CVC shall forward all lighting specifications to the SCADB and Township of Montgomery for their review and comment [N.J.A.C. 2:76-2.13(d)]; and

7. Noise:

All activities and events, specifically the proposed music jams, must comply with the ordinance established for noise level by the Township of Montgomery. It is the sole responsibility of the landowner to meet these requirements, and obtain any permits related to noise as required by the Township of Montgomery.

8. Parking:

CVC shall provide for the primary and overflow parking as depicted in the CVC SSAMP Application and on the CVC Site Plan. Parking is prohibited along Cherry Valley Road and the interior loop road on the site at all times; and

9. Signage:

CVC's signage shall comply with the criteria established in the On-Farm Direct Marketing AMP (N.J.A.C. 2:76-2.13(g)). CVC shall forward all signage specifications to the SCADB and the Township of Montgomery for review and comment; and

10. Storm Water Management:

CVC shall implement stormwater management measures in accordance with requirements established by the State of New Jersey and Township of Montgomery; and

11. Local Permits (Construction, Fire Safety, Food Service):

CVC agrees to apply for and obtain all applicable construction, fire safety, and food service permits associated with CVC's future development and use of the Premises; and

12. Events Involving Potential Health and Safety Permits:

The proposed Farm-to-Table Dinners, Cooking Classes, Swimming onsite, and Pot-Luck events are approved, pending the required approvals from the Montgomery Township Board of Health. All permits required must be obtained by the applicant prior to these specific events taking place at CVC.

13. Local Permit (Open Public Assembly):

CVC's On-Farm Direct Marketing events projected to host 100 participants or more shall be subject to the requirements set forth in the Montgomery Ordinance "Licensing and Regulating the Conduct and Operation of Outdoor Assemblies of Persons in the Township of Montgomery" (hereinafter the "Montgomery Township Outdoor Assembly Ordinance" attached hereto at Exhibit D). CVC shall file a separate application for and obtain a separate permit under the Montgomery Outdoor Assembly Ordinance for each and every CVC On-Farm Direct Marketing Event. In accordance with the time parameters established under the Montgomery Township Outdoor Assembly Ordinance, it is anticipated that the Township of Montgomery will have sufficient time to consider and act upon each CVC permit application prior to CVC's initial On-Farm Direct Marketing activity or event of each calendar year.

In addition, once the Open Public Assembly Permit is filed six (6) times, the Township of Montgomery will have the opportunity to review the need for a more permanent remedy for any traffic and/or safety impacts related to the On-Farm Direct Marketing events.

14. Conformance with Deed of Easement

All CVC On-Farm Direct Marketing Facilities, Activities and/or Events must conform to the existing Deed of Easement on the Premises, and cannot negatively impact the current or future agricultural operation on the Premises; and

15. Federal and State Statutes, Rules, and Regulations

CVC's development and use of the Premises must conform to all relevant federal and state statutes, rules, and regulations.

BE IT FURTHER RESOLVED, that CVC shall be obligated at all times to adequately address and provide measures to ensure that public health and safety issues and concerns remain adequately addressed in connection with CVC's development and use of the Premises as outlined in the CVC SSAMP Application and CVC Site Plan. The SCADB encourages CVC representatives and Montgomery Township representatives to continue to work cooperatively toward addressing all public health and safety issues associated with CVC's development and use of the Premises. To the extent that CVC's future development and use of the Premises results in public health and safety issues that are not being adequately addressed by CVC, the SCADB's approval of the CVC SSAMP Application as evidenced by this Resolution will remain subject to revision upon application by the Township of Montgomery.

BE IT FURTHER RESOLVED that the SCADB Staff shall forward a copy of this Resolution to CVC via Mr. Alec Gioseffi, President, the Township of Montgomery, the Montgomery Friends of Open Space, the SADC, and any other individuals or organizations deemed appropriate by the Board within 30 days of the execution of this Resolution.

I, Mark W. Kirby, Chairman of the Somerset County Agriculture Development Board, hereby certify that the foregoing is a true copy of a resolution adopted by said Board at their regularly convened meeting of July 17, 2017.

Mark W. Kirby, Chair